

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., et al.,

Defendants.

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CASE NO. 6:12-cv-499-MHS-CMC

LEAD CASE

Jury Trial Demanded

**DECLARATION OF RITA E. TAUTKUS IN OPPOSITION TO PLAINTIFF BLUE
SPIKE, LLC'S MOTION TO STRIKE THE EXPERT DECLARATIONS AND ANY
RELIANCE ON THE DECLARATIONS OF JOHN SNELL AND PROFESSOR
MATTHEW TURK IN DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON
INDEFINITENESS [DKT. 1752]**

I, Rita E. Tautkus, do hereby declare and state as follows:

1. I am an attorney licensed to practice law in the State of California. I am an Of Counsel at the law firm of Morgan, Lewis & Bockius LLP ("Morgan Lewis"), counsel of record for Defendants L-1 Identity Solutions, Inc., MorphoTrust USA, Inc., MorphoTrak, Inc., and Safran USA, Inc., in the above-captioned matter. I have personal knowledge of the foregoing, and, if called upon to testify in this matter, I could and would testify competently to the matters stated herein.

2. Attached as Exhibit A is a true and correct copy of emails exchanged between Morgan Lewis and Garteiser Honea from July 28, 2014 to August 7, 2014, wherein Plaintiff's counsel, Mr. Randall Garteiser, agreed in writing to all Defendants' Supplementation of the Patent Local Rule 4-3 statement.

3. I attended a telephonic meet and confer with my colleague, Lindsey M. Shinn, and Mr. Garteiser on August 6, 2014.

4. Mr. Garteiser agreed that the parties could and would take expert depositions after the August 7, 2014 deadline for claim construction discovery.

5. Mr. Garteiser further agreed to the time period of September 9-19 for conducting depositions of experts who submit declarations in any of the September 9, 2014 filings.

6. During this same conference, Mr. Garteiser stated that he would serve deposition notices to Defendants' expert witnesses listed in Defendants' proposed Patent Local Rule 4.3 Supplemental Joint Claim Construction and Prehearing Statement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of September, 2014, in San Francisco, California.

/s/ Rita E. Tautkus

Rita E. Tautkus